

REMARKS

Upon entry of this Response, claims 1, 2, 4, 5, 7, 8, 10-22, 24, 25, 27-29, 31, 33-37, and 39-40 remain pending in the present patent application. Claims 1, 5, 8, 12-15, 20-22, 31, and 37 have been amended, and claims 3, 23, 32, and 38 have been canceled herein. Applicants respectfully request reconsideration of the pending claims in view of the following remarks.

As an initial matter, it is noted on page 6 of the Office Action that it is alleged that Applicants' amendments necessitated any new grounds of rejection presented in the Office Action. Accordingly, the Action was made final. However, Applicant notes that in the prior Office Action, at least claim 1 was amended to incorporate the subject matter of claim 6, which was canceled. Accordingly, the scope of claim 1 falls within the scope of any prior search performed. Therefore, Applicants assert that the amendment did not necessitate any new grounds of rejection. Rather, the arguments provided pointed out the inadequacy of the prior Office Action in this respect with regard to original claim 6 as filed. Accordingly, Applicants respectfully request that the finality of the Office Action be withdrawn.

Next, on page 2 of the Office Action, claims 1-5, 7-8, 11-25 and 27-29 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,385,537 issued to Howard et al. (hereafter "*Howard*"). Anticipation under §102 "requires the disclosure in a single prior art reference of each element of the claim under construction." W.L. Gore & Associates, Inc. v. Garlock, Inc., 220 USPQ 303, 313 (Fed. Cir. 1983). Claims 3 and 23 have been canceled herein, thereby rendering this rejection moot with respect to such claims. For the reasons that follow, Applicants respectfully request that the rejection of these claims be withdrawn.

To begin, claim 1 as amended recites as follows:

1. An apparatus for distributing print media comprising:
an accumulator pivotable about an axis, the accumulator having a print media inlet and a print media outlet;
the accumulator being configured to accumulate a plurality of sheets of a print media;
a belt having a protrusion that transports the print media out of accumulator through the print media outlet;
an actuator configured to pivot the accumulator about the axis;

a plurality of output bins, each of the output bins being positioned with an entry point along an arc traced by the print media outlet of the accumulator; and

the accumulator comprises a media staging area configured to support the accumulation of the sheets of the print media, the staging area comprising a combination of a staging location in the accumulator and a portion of a respective one of the output bins, where the accumulator pivots to align the staging location with one of the output bins.

As set forth above, claim 1 specifies that there are a plurality of output bins, and each of the output bins is positioned with an entry point along an arc traced by the print media outlet of the accumulator. Also, a media staging area that is configured to support the accumulation of the sheets of the print media is provided, where the staging area comprises a combination of the staging location and the accumulator and a portion of the respective one of the output bins. To this end, the accumulator pivots to align the staging location with one of the output bins to form the media staging area.

Applicants respectfully assert that *Howard* fails to show or suggest each of the elements of claim 1 as amended. In particular, *Howard* shows stacking sheets at a location that does not include a portion of the bin, and pivoting a door 41 in order to direct the pushing of a stack of sheets to a bin 43 or a bin 44. The staging area for the media does not include a portion of a bin. Also, the bins described by *Howard* are not arranged such that an entry point of the bins are positioned along an arc traced by the print media outlet of the accumulator. Rather, *Howard* shows a rather complicated set of paper moving belts and wheels arranged in a more complex configuration that does not provide for the number of bins available with respect to the claimed embodiments.

Due to the fact that the media staging area includes both the staging location in the accumulator and a portion of a respective one of the output bins as set forth in claim 1, the resulting device can be more compact such that sheets of print medium are not stacked on a single staging area before being pushed into the bin. In this respect, placing a portion of the sheets in the bin minimizes the size of the device while providing for the same ability to sort documents. The reduction of the size of the device is rather important as it takes a lesser footprint on a customer premises as can be appreciated.

Accordingly, Applicants request that the rejection of claim 1 be withdrawn. Also, Applicants request that the rejection of claims 14 and 31 be withdrawn for the same

reasons as claim 1 set forth above to the extent they apply. Also, Applicants respectfully request that the rejection of claims 2, 4, 5, 7, 8, 11-13, and 15-22 be withdrawn as depending from claims 1 or 14, respectively.

In addition, claim 24 as previously presented recites as follows:

24. A method for distributing print media comprising:
 - aligning an accumulator with a first location;
 - receiving a plurality of sheets of a print media sequentially through an inlet of the accumulator;
 - accumulating the plurality of sheets of the print media in the accumulator before dispensing the print media through an outlet of the accumulator;
 - positioning the print media received at the inlet such that a portion of the print media is supported by a staging location in the accumulator and a portion of the print media is supported by an output bin;
 - dispensing the print media through the outlet of the accumulator at the first location;
 - rotating the accumulator about an axis of rotation to align the accumulator with a second location.

As set forth above, claims 24 recites positioning the print media received at the inlet such that a portion of the print media is supported by a staging location in the accumulator and a portion of the print media is supported by an output bin. As set forth above, Applicants assert that *Howard* fails to show or suggest at least this element. Accordingly, Applicants assert that the rejection of claim 24 is improper. Also, Applicants assert that the rejection of claims 25 and 27-29 are improper as depending from claim 24. Accordingly, Applicants request that the rejection of these claims be withdrawn.

Next, on page 4 of the Office Action, claims 1-5, 7-8, 10-25, 27-29, and 31-40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Howard* in view of U.S. Patent 5,382,012 issued to Mandel et al. (hereafter "*Mandel*") in view of U.S. Patent 3,356,362 issued to Mestre (hereafter "*Mestre*"). A prima facie case of obviousness is established only when the prior art teaches or suggests all of the elements of the claims. MPEP §2143.03, In re Rijckaert, 9 F.3d 1531, 28 U.S.P.Q2d 1955, 1956 (Fed. Cir. 1993). Applicants assert that the cited combination of references fails to show or suggest each of the elements of claims 1-5, 7-8, 10-25, and 27-29 for the reasons described above with respect to claims 1, 14, and 24. In addition,

Applicants note that claim 31 has been amended herein so as to recite subject matter similar in scope with that of claim 1. Accordingly, Applicants request that the rejection of claim 31 be withdrawn for the same reasons described above with respect to claim 1 to the extent they apply. Also, Applicants note that claims 32 and 38 have been canceled herein, thereby rendering this grounds of rejection moot with respect to such claims. Finally, Applicants request that the rejection of claims 33-37 and 39-40 be withdrawn as depending from claim 31.

In addition, Applicants note that the Office Action states that "Mestre teaches a pivotal accumulator with the claimed gear assembly (FIG. 1, gearing assembly) and this assembly can be regarded as a recognized equivalent to the pivot device taught by Howard as it performs the same function within the sheet feeding arts." Applicants respectfully disagree. In particular, the "pivotable" element of *Mestre* is not an accumulator. In particular, the pivotal "ramp means 59" described by *Mestre* does not accumulate multiple sheets of print media. Rather, the ramp distributes single sheets of print media to the bins. Also, it is noted that the ramp device of *Mestre* extends longitudinally to reach bins at the upper and lower extremities of the pivoting, thereby requiring a more complex structure. Also, there is no media staging area as set forth in independent claims 1, 14, and 31.

Also, *Mandel* shows the bins stacked in a vertical stack such that the "accumulator" to the extent one exists is moved in a vertical direction. Thus, the bins are not positioned along an arc as set forth in claims 1, 14, and 31. Furthermore, we note that *Howard*, *Mestre* and *Mandel* are incompatible with each other in that they disclose opposing methods by which sheets of print media are distributed to multiple bins. Specifically, *Howard* discloses diversion of the sheets of print media by manipulating media pathway components to cause the redirection of a print media between one of at least two bins. *Mestre* uses a pivoting ramp that expands to distribute print media to the respective bins that are arranged in a vertical column. In this respect, the ramp reaches the bins on the upper and lower extremities of the column as opposed to the bins in the middle of the column by expanding and contracting to bridge the gap between the print outlet and the bins themselves. This contrasts with the print media pathway redirection as described by *Howard*.

Also, *Mandel* describes moving a device 20 that appears to act as an accumulator in a vertical up or down motion in order to cause print media to be delivered to various bins also arranged in a vertical column. We note the complex media distribution system that forwards the print media to the accumulating device 20 regardless of its position along the vertical column of bins. This acts as an alternative to the ramp approach described by *Mestre*. As such, the structure described by *Mandel* is an alternative design to the designs of *Howard* and *Mestre*. Accordingly, given that these designs are mutually exclusive and incompatible, Applicants assert that it is not obvious to make a combination of any one of these designs in order to arrive at the combination as set forth in the above claims. In this respect, it is clear given the incompatibility of these references that the rejection of the instant claims in view of the combination of these references can only be accomplished with the use of impermissible hindsight. Accordingly, Applicants once again respectfully request that the rejection of the claims be withdrawn for these additional reasons.

CONCLUSION

It is requested that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding this Response, the Examiner is encouraged to telephone the undersigned counsel of Applicants.

Respectfully submitted,

/Michael J. D'Aurelio/

Michael J. D'Aurelio
Registration Number: 40,977

Thomas, Kayden, Horstemeyer & Risley, L.L.P.
100 Galleria Parkway, N.W.
Suite 1750
Atlanta, Georgia 30339-5948
Phone: (770) 933-9500
Fax: (770) 951-0933